

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
CIVIL NO: 15-cv-1848**

VALERIE THOMAS)	
)	
)	
Plaintiffs,)	
)	
vs.)	
)	
MERCANTILE ADJUSTMENT)	COMPLAINT
BUREAU, LLC.)	
)	
Defendant.)	

INTRODUCTION

1. This action arises out of Defendant’s violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. (“FDCPA”).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”

3. Defendant conducts business in the state of Minnesota, personal jurisdiction is established.

4. Venue in the United States District Court is proper under 28 U.S.C. § 1391(b)(1).

PARTIES

5. Plaintiffs are natural persons residing in Cosmos, Meeker County, Minnesota.

6. Plaintiffs are allegedly obligated to pay a debt and is a consumer as defined by 15 U.S.C. § 1692a(3).

7. Defendant is a collection agency with its principal place of business in Williamsville, New York.

8. Defendant is a debt collector as defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiffs.

9. At all times relevant to this Complaint, Defendant has acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers in the District of Minnesota.

FACTUAL ALLEGATIONS

10. In or around September of 2013, Defendant placed collection calls to Plaintiff seeking and demanding payment for an alleged consumer debt.

11. Plaintiff's alleged debt arises from transactions for personal, family, and household purposes.

12. Defendant called Plaintiff's telephone number at 320-583-25XX.

13. In or around September of 2013, Defendant called Plaintiff and left a voicemail message on Plaintiff's answering machine. See transcribed voicemail message attached hereto as Exhibit A.

14. In the voicemail message, Defendant failed to meaningfully state that the call was from a debt collector. See transcribed voicemail message attached hereto as Exhibit A.

15. In the voicemail message, Defendant directed Plaintiff to call back telephone number 866-851-0083, extension 8272, which is a number that belongs to Defendant. See transcribed voicemail message attached hereto as Exhibit A.

16. Defendant is using false, deceptive and misleading means in connection with attempting to collect a debt by not identifying the purpose of its phone calls or that they are an attempt to collect a debt.

COUNT ONE:
DEFENDANT VIOLATED THE FAIR DEBT
COLLECTION PRACTICES ACT

14. Defendant's violations of the FDCPA include, but are not limited to:
- a. Defendant violated §1692e of the FDCPA by using false, deceptive, and misleading representations in connection with the collection of any debt, and
 - b. Defendant violated §1692e(11) of the FDCPA by failing to disclose in communications in connection with the collection of a debt that the communication was from a debt collector.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant for the following:

- a. Statutory damages pursuant to 15 U.S.C. § 1692k;
- b. Reasonable attorneys' fees, costs pursuant to 15 U.S.C. § 1692k; and
- c. Awarding such other and further relief as may be just, proper and equitable.

RESPECTFULLY SUBMITTED

Dated: April 1, 2015

By: /s/ J.D. Haas

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